

MARIANO LAKE COMMUNITY	:	Order Docketing and Dismissing Appeal
SCHOOL, INC.,	:	As Premature
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 00-78-A
ACTING EDUCATION LINE OFFICER,	:	
EASTERN NAVAJO AGENCY,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	May 25, 2000

On May 24, 2000, the Board of Indian Appeals (Board) received a notice of appeal from the Mariano Lake Community School, Inc. (Appellant). Appellant seeks review of a May 1, 2000, decision signed by the Acting Education Line Officer, Eastern Navajo Agency, Bureau of Indian Affairs, deciding to reassume a Tribally Controlled Schools Act grant. The decision letter notified Appellant that the decision was governed by the appeal provisions of the Indian Self-Determination Act and that Appellant could either request an informal conference under 25 C.F.R. § 900.154 or appeal to the Board under 25 C.F.R. § 900.158.

Appellant's notice of appeal to the Board states: "We also request an informal conference preceding a formal hearing as provided by 25 CFR §900.154."

It appears that Appellant may have been confused as to the proper place for filing a request for an informal conference. 25 C.F.R. § 900.154 provides that an appellant should file such a request "with the office of the person whose decision it is appealing." Once an informal conference is held and a decision issued, an appellant has the further option of appealing to the Board. See 25 C.F.R. § 900.156(b). However, in this case, because Appellant desires an informal conference, an appeal to the Board is premature.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed but dismissed as premature.

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Kathryn A. Lynn  
Chief Administrative Judge

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Anita Vogt  
Administrative Judge